
ALFONSO DOURIET,

Plaintiff(s),

-vs-

**ESSEX COUNTY CORRECTIONAL
FACILITY, et al.,**

Defendant(s),

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Civil Action No. 14-2077 (SDW)

REPORT & RECOMMENDATION

THIS MATTER having come before the Court on plaintiff's motion to voluntarily withdraw Count One of the Complaint alleging violation of 42 U.S.C. § 1983 and to remand the action to state court since no federal court claims would remain; and it

FURTHER APPEARING THAT defendants do not oppose the voluntary withdrawal but request that the Court retain supplemental jurisdiction over the state law claims; and it

FURTHER APPEARING THAT given that this case is in its earliest stages, no discovery has been taken and the exercise of supplemental jurisdiction over pendant state court claims is not warranted; and for good cause shown;

IT IS on this 21st day of May, 2014,

RECOMMENDED that:

1. Plaintiff's motion to voluntary withdraw Count One of the Complaint is in violation of 42 U.S.C. §1983 be granted.
2. This case be remanded to state court.

s/Madeline Cox Arleo

MADELINE COX ARLEO
United States Magistrate Judge

Original: Clerk
cc: Hon. Susan D. Wigenton, U.S.D.J.
File